



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR - 8 2017

REPLY TO THE ATTENTION OF:

ELECTRONIC SERVICE
VIA EMAIL

Ms. Nancy Lake Martin
BASF Corporation
100 Park Avenue
Florham Park, New Jersey 07932
nancy.martin@basf.com

Re: BASF Corporation, Wyandotte, Michigan, Consent Agreement and Final Order
Docket Nos. MM-05-2017-0003 CERCLA-05-2017-0005 EPCRA-05-2017-0012

Dear Ms. Lake Martin:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on March 8, 2017.


Please have your client pay the Comprehensive Environmental Response, Compensation and Liability Act civil penalty in the amount of \$5,529 in the manner prescribed in paragraph 56, and reference your check with the billing document number 2751730B005 and the docket number CERCLA-05-2017-0005.

Please have your client pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$11,059 in the manner prescribed in paragraph 58, and reference your check with the docket number EPCRA-05-2017-0012.

Your payments are due on April 7, 2017.

Please feel free to contact James Entzminger at (312) 886-4062 if you have any questions regarding the enclosed documents. Please direct any legal questions to Jillian Rountree, Assistant Regional Counsel, at (312) 353-3849. Thank you for your assistance in resolving this matter.

Sincerely,


Michael E. Hans, Chief
Chemical Emergency Preparedness
and Prevention Section

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

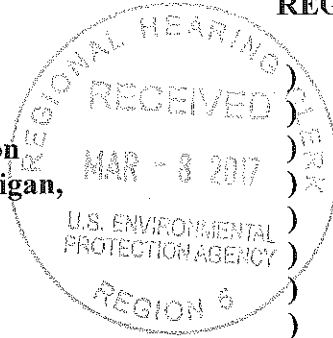
MM-05-2017-0003

EPCRA-05-2017-0012

In the Matter of:

BASF Corporation
Wyandotte, Michigan,

Respondent.



Docket Nos. CERCLA-05-2017-0005

Proceeding to Assess a Civil Penalty Under
Section 109(b) of the Comprehensive
Environmental Response, Compensation and
Liability Act, and Section 325(b)(2) of the
Emergency Planning and Community Right-
to-Know Act of 1986

Consent Agreement and Final Order
Preliminary Statement

1. This is an administrative action commenced and concluded under Section 109(b) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended, 42 U.S.C. § 9609(b), Section 325(b)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. § 11045(b)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Acting Director, Superfund Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is BASF Corporation, a corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

Jurisdiction and Waiver of Right to Hearing

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives any and all remedies, claims for relief, rights to judicial or administrative review, rights to contest the allegations in this CAFO, and rights to appeal this CAFO that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including but not limited to its right to request a hearing or petition for judicial review under Section 325 of EPCRA, 42 U.S.C. § 110045; Section 109 of CERCLA, 42 U.S.C. § 9609; 40 C.F.R. § 22.15(c); and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06.

Statutory and Regulatory Background

9. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), requires any person in charge of a facility to immediately notify the National Response Center (NRC) as soon as that person has knowledge of any release of a hazardous substance from the facility in an amount equal to or greater than the reportable quantity of the hazardous substance.

10. Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004, provide a mechanism to alert federal, state and local agencies that a response action may be necessary to prevent deaths or injuries to emergency responders, facility personnel and the local community. A delay or failure to notify could seriously hamper the government's

response to an emergency and pose serious threats to human health and the environment.

11. Section 304(a)(1) of EPCRA, 42 U.S.C. § 11004(a)(1), requires that the owner or operator of a facility must immediately provide notice, as described in Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), if a release of an extremely hazardous substance in quantities equal to or greater than a reportable quantity occurs from a facility at which hazardous chemicals are produced, used or stored and such release requires notice under Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

12. Under Section 304(b) of EPCRA, 42 U.S.C. § 11004(b), notice required under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a), must be given immediately after the release by the owner or operator of a facility to the community emergency coordinator for the local emergency planning committee (LEPC) for any area likely to be affected by the release and to the state emergency response commission (SERC) of any state likely to be affected by a release.

13. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

14. Section 109(b) of CERCLA, 42 U.S.C. § 9609(b), Section 325(b)(2) of EPCRA, 42 U.S.C. § 11045(b)(2), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of CERCLA Section 103, EPCRA Section 304. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased these statutory maximum penalties to \$53,907 per day of violation for violations that occurred after November 2, 2015.

Factual Allegations and Alleged Violations

15. Respondent is a “person” as that term is defined under Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).
16. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).
17. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 1609 Biddle Avenue, Wyandotte, Michigan (facility).
18. At all times relevant to this CAFO, Respondent was in charge of the facility.
19. Respondent’s facility consists of a building, structure, equipment, pipe or pipeline, storage container, or any site or area where a hazardous substance has been stored, placed, or otherwise come to be located.
20. Respondent’s facility is a “facility” as that term is defined under Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).
21. Respondent’s facility consists of buildings, equipment, structures and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.
22. Respondent’s facility is a “facility” as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).
23. Ethylene oxide (CAS #75-21-8) is a “hazardous substance” as that term is defined under Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).
24. Ethylene oxide (CAS #75-21-8) has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 302, Table 302.4.

25. Ethylene oxide is classified as a physical or health hazard, or hazard not otherwise classified.

26. Ethylene oxide (CAS #75-21-8) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

27. At all times relevant to this Complaint, Respondent produced, used, or stored ethylene oxide at the facility.

28. Ethylene oxide (CAS #75-21-8) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

29. Ethylene oxide (CAS #75-21-8) has a reportable quantity of 10 pounds, as indicated at 40 C.F.R. Part 355, Appendix A.

30. On March 30, 2016, at or about 5:33 p.m., a release occurred from Respondent’s facility of approximately 450 pounds of ethylene oxide (the release).

31. In a 24-hour time period, the release of ethylene oxide exceeded 10 pounds.

32. During the release, approximately 450 pounds of ethylene oxide spilled, leaked, emitted, discharged, or escaped into the ambient air.

33. The release is a “release” as that term is defined under Section 101(22) of CERCLA, 42 U.S.C. § 9601(22).

34. The release is a “release” as that term is defined under Section 329(8) of EPCRA, 42 U.S.C. § 11049(8).

35. Respondent had knowledge of the release on March 30, 2016, at approximately 5:33 p.m.

36. The release was one for which notice was required under Section 103(a) of

CERCLA, 42 U.S.C. § 9603(a).

37. The release required notice under Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

38. The release was likely to affect Michigan.

39. At all times relevant to this Complaint, the Michigan SERC was the SERC for Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

40. The release was likely to affect Wayne County, Michigan.

41. At all times relevant to this Complaint, the Wayne County LEPC was the LEPC for Wayne County, Michigan under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

Count 1 (failure to notify NRC)

42. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

43. Respondent notified the NRC of the release on March 30, 2016, at approximately 10:31 p.m.

44. Respondent did not immediately notify the NRC as soon as Respondent had knowledge of the release.

45. Respondent's failure to immediately notify the NRC of the release is a violation of Section 103(a) of CERCLA, 42 U.S.C. § 9603(a).

Count 2 (failure to notify SERC)

46. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

47. Respondent notified the Michigan SERC of the release on March 30, 2016, at approximately 10:40 p.m.

48. Respondent did not immediately notify the SERC after Respondent had knowledge of the release.

49. Respondent's failure to immediately notify the SERC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

Count 3 (failure to notify LEPC)

50. Complainant incorporates paragraphs 1 through 41 of this CAFO as if set forth in this paragraph.

51. Respondent notified the Wayne County LEPC of the release on March 31, 2016, at approximately 8:20 a.m.

52. Respondent did not immediately notify the LEPC after Respondent had knowledge of the release.

53. Respondent's failure to immediately notify the LEPC of the release is a violation of Section 304(a) of EPCRA, 42 U.S.C. § 11004(a).

Civil Penalty

54. Complainant has determined that an appropriate civil penalty to settle this action is \$5,529 for the CERCLA violation. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violation, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violation, degree of culpability, and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311 and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive

Environmental Response Compensation and Liability Act, dated September 30, 1999

(EPCRA/CERCLA Enforcement Response Policy).

55. Within 30 days after the effective date of this CAFO, Respondent must pay a \$5,529 civil penalty for the CERCLA violation. Respondent must pay the penalty by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," via regular mail to:

U.S. Environmental Protection Agency
Superfund Payments
Cincinnati Finance Center
P.O. Box 979076
St. Louis, MO 63197-9000

Or, for signed receipt confirmation service (Fedex, DHL, UPS, USPS certified, registered, or similar), by sending a cashier's or certified check, payable to "EPA Hazardous Substance Superfund," to:

U.S. Bank
Government Lockbox 979076 U.S. EPA Superfund Payments
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the following: BASF Corporation and the docket number of this CAFO.

56. Complainant has determined that an appropriate civil penalty to settle this action is \$11,059 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent, and gravity of the violations, Respondent's agreement to perform a supplemental environmental project, and with respect to Respondent, its ability to pay, prior history of violations, economic benefit or savings resulting from the violations, degree of culpability, and any other matters as justice may require. Complainant also considered U.S. EPCRA/CERCLA Enforcement Response Policy.

57. Within 30 days after the effective date of this CAFO, Respondent must pay an \$11,059 civil penalty for the EPCRA violations. Respondent must pay the penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," via regular mail to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Or, for signed receipt confirmation service (Fedex, DHL, UPS, USPS certified, registered, or similar), by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077 U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, MO 63101

The check must note the following: BASF Corporation and the docket number of this CAFO.

58. A transmittal letter, stating Respondent's name, the case name, Respondent's complete address, the case docket numbers and the billing document number, if any, must accompany the payment. Respondent must send a copy of the checks or other payment method and transmittal letter to:

Regional Hearing Clerk (E-19J)
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

James Entzminger (SC-5J)
Chemical Emergency Preparedness
and Prevention Section
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

Jillian Rountree (C-14J)
Office of Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd.
Chicago, IL 60604

59. This civil penalty is not deductible for federal tax purposes.

60. If Respondent does not timely pay the civil penalty or any stipulated penalties due under paragraph 73, below, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

61. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

Supplemental Environmental Project

62. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment or public health by purchasing emergency response equipment and donating the purchased emergency response equipment to an appropriate recipient. Respondent

has selected to donate the equipment to the Wyandotte, Michigan Fire Department.

63. Respondent must purchase and donate to the Wyandotte, Michigan Fire Department the following emergency response equipment within 60 days from the effective date of the CAFO:

1 complete stationary breathing air station; 2 Scott RIT Pak 3 masks; 2 Scott 60-minute carbon cylinders (4500 PSI); 4 Scott sight full face kits (built in thermal image camera in SCBA mask); 2 PS 200 gas monitors; 2 auto bump and calibration stations; 5 fire-dex custom FX-R turnout coats; and 6 fire-dex custom FR-R turnout pants.

64. If the equipment described in paragraph 63 is unavailable or if additional equipment must be purchased to meet the minimum expenditure described in paragraph 65, Respondent shall attempt to purchase substantially similar equipment or other emergency response equipment that is useful for the Wyandotte, Michigan Fire Department and meets the other requirements of this CAFO. Further, Respondent shall notify EPA of such changes to equipment purchased as soon as practicable and as part of the SEP completion report described in paragraph 68.

65. Respondent must spend at least \$62,289.65 to purchase the equipment described in paragraph 63 and must donate this equipment to the Wyandotte, Michigan Fire Department.

66. Respondent certifies as follows:

- a. BASF Corporation is not required to perform or develop the SEP by any law, regulation, order, or agreement (other than this CAFO) or as injunctive relief as of the date that I am signing this CAFO.
- b. BASF Corporation has not received, and is not negotiating to receive, credit for this SEP in any other enforcement action.
- c. BASF Corporation and the Wyandotte Michigan Fire Department are not parties to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP.

- d. To the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to U.S. EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee, or other mechanism for providing federal financial assistance whose performance period has not expired.
- e. All cost information provided to U.S. EPA in connection with U.S. EPA's approval of the SEP is complete and accurate, and BASF Corporation in good faith estimates that the cost to implement the SEP is \$62,289.65.
- f. The SEP is not a project that BASF Corporation was planning or intending to perform or implement other than in settlement of the claims resolved in the CAFO.
- g. BASF Corporation will not receive reimbursement for any portion of the SEP from another person or entity.
- h. For federal income tax purposes, BASF Corporation will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

67. Respondent must maintain copies of the underlying data for all reports submitted to U.S. EPA according to this CAFO. Respondent must provide the documentation of any underlying research to U.S. EPA within seven days of U.S. EPA's request for the information.

68. Respondent must submit a SEP completion report to U.S. EPA within 90 days of the effective date of this CAFO. This report must contain the following information:

- a. Detailed description of the SEP as completed, including a letter from the Wyandotte Michigan Fire Department Fire Chief listing the equipment received and the date the equipment was donated;
- b. Description of any problems and the actions taken to correct the problems;
- c. Itemized costs of goods and services used to complete the SEP documented by

copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;

- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

69. Respondent must submit all notices and reports required by this CAFO by first class mail to James Entzminger of the Chemical Emergency Preparedness and Prevention Section at the address specified in paragraph 58, above.

70. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

71. Following receipt of the SEP completion report described in paragraph 68, above, U.S. EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and U.S. EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and U.S. EPA will seek stipulated penalties under paragraph 73.

72. If U.S. EPA exercises option b in paragraph 71, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from U.S. EPA's receipt of Respondent's objection to reach an agreement. If the parties

cannot reach an agreement, U.S. EPA will give Respondent a written decision on its objection. Respondent will comply with any requirements that U.S. EPA imposes in its decision. If Respondent does not complete the SEP as required by U.S. EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 73, below.

73. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent did not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 63, Respondent must pay a penalty of \$62,289.65.
- b. If Respondent did not complete the SEP satisfactorily, but U.S. EPA determines that Respondent made good faith and timely efforts to complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 65, Respondent will not be liable for any stipulated penalty under subparagraph a, above.
- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 65, Respondent must pay a penalty of the difference between the amount spent on the SEP and \$62,289.65.
- d. If Respondent did not submit timely the SEP completion report, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty Per Violation Per Day</u>	<u>Period of Violation</u>
\$ 500	1st through 14th day
\$1,000	15th through 30th day
\$1,500	31st day and beyond

74. U.S. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

75. Respondent must pay any stipulated penalties within 15 days of receiving U.S. EPA's written demand for the penalties. Respondent will use the method of payment

specified in paragraphs 55-61, above, and will pay interest, handling charges, and nonpayment penalties on any overdue amounts.

76. Any public statement that Respondent makes referring to the SEP must include the following language, "BASF Corporation undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against BASF Corporation for violations of Section 103 of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004(a)."

77. If an event occurs which causes or may cause a delay in completing the SEP or SEP completion report as required by this CAFO:

- a. Respondent must notify U.S. EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all reasonable actions to avoid or minimize any delay. If Respondent fails to notify U.S. EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.
- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If U.S. EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, U.S. EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

78. Nothing in this CAFO is intended to nor will be construed to constitute U.S. EPA's

approval of the equipment or technology purchased, installed, or donated by Respondent in connection with the SEP under the terms of this CAFO.

General Provisions

79. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

80. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

81. Respondent certifies that it is complying with Section 103(a) of CERCLA, 42 U.S.C. § 9603(a), and Section 304 of EPCRA, 42 U.S.C. § 11004.

82. This CAFO does not affect Respondent's responsibility to comply with CERCLA, EPCRA, and other applicable federal, state, and local laws and regulations.

83. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

84. The terms of this CAFO bind Respondent and its successors and assigns.

85. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

86. Each party agrees to bear its own costs and attorney's fees in this action.

87. This CAFO constitutes the entire agreement between the parties.

88. Consistent with the Standing Order Authorizing E-Mail Service of Orders and Other Documents Issued by the Regional Administrator or Regional Judicial Officer under the Consolidated Rules, dated March 27, 2015, the parties consent to service of this CAFO by e-mail at the following valid e-mail addresses: rountree.jillian@epa.gov (for Complainant), and

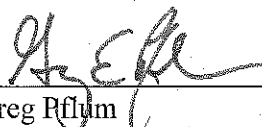
nancy.martin@basf.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

89. The effective date for this CAFO is the date it is filed with the Regional Hearing Clerk.

In the Matter of: ~~BASF Corporation~~
Docket No. MM-05-2017-0003 CERCLA-05-2017-0005 EPCRA-05-2017-0012

BASF Corporation, Respondent

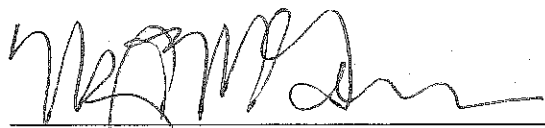
February 21, 2017
Date



Greg Pflum
VP Wyandotte Site
BASF Corporation

U.S. Environmental Protection Agency, Complainant

3/7/2017
Date



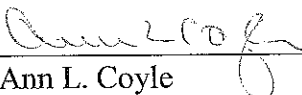
Margaret M. Guerriero
Acting Director
Superfund Division
U.S. Environmental Protection Agency
Region 5

In the Matter of: BASF Corporation, Wyandotte, Michigan
Docket No. MM-05-2017-0003 CERCLA-05-2017-0005 EPCRA-05-2017-0012

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

march 8, 2017
Date



Ann L. Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
Region 5

In the Matter of: BASF Corporation, Wyandotte, Michigan
Docket No. MM-05-2017-0003 CERCLA-05-2017-0005

EPCRA-05-2017-0012

Certificate of Service

I certify that I sent a true and correct copy of the foregoing Consent Agreement and Final Order, which was filed on March 8, 2017 in the following manner to the addressees:

Copy by E-mail to

Attorney for Respondent: Nancy Lake Martin
BASF Corporation
nancy.martin@basf.com

Copy by E-mail to

Attorney for Complainant: Jillian Rountree
rountree.jillian@epa.gov

Copy by E-mail to

Regional Judicial Officer: Ann Coyle
coyle.ann@epa.gov

Dated: March 8, 2017



LaDawn Whitehead
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 5